



Mr. Bill Moore
Washington Department of Ecology
P.O. Box 47600
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9-27-04

Re: Comments Proposed Permit Modifications – Industrial Stormwater Permit

Dear Bill:

Thank you for the opportunity to comment on the proposed modification of the industrial stormwater permit. While the modifications seem to track closely with the changes that all parties agreed to during both the legislative discussion as well as the settlement negotiations, there are two areas in particular where we would urge you to strengthen the proposed modification.

In addition, we have reviewed comments from Rick Smith and wish to express our support for the changes he suggested in his comment letter on this matter.

First, we are very concerned that the “adaptive management” provisions in S4.C be defined in a manner which insures that significant exceedences of “benchmark values” will trigger implementation of more aggressive BMP’s on site. As you will recall, this was a central element in the legislative discussion, and one that received support from key legislators involved in the debate. Our concern is that the “action levels” you have identified are set so high and flexibility in monitoring after exceedence of the benchmark level so great, that adaptive management will rarely, if ever, be applied.

While we understand that “action levels” should be set higher than “benchmark” levels, the proposed action levels are set too high to be meaningful, particularly with regard to Ph and metals.

We are also very concerned about public access to SWPP’s. The approach you’ve identified in S5.F.3. allows for businesses to make an independent judgment as to whether material in the plan is proprietary and therefore confidential. This approach could result in recalcitrant businesses avoiding public review of entire plans. This determination should be made by an independent third party, perhaps the agency, and should be subject to some sort of administrative or judicial review. Public access to the SWPP is critical to determine the adequacy of BMP’s on site when water quality problems are identified.

Thank you for reviewing our comments. Please feel free to contact me if you have any

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questions.

Yours,

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People for Puget Sound